

RESOLUTION NO. R-95- 122

RESOLUTION APPROVING ZONING PETITION PDD94-77
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF MINTO COMMUNITIES, INC.

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD94-77 was presented to the Board of County Commissioners at a public hearing conducted on January 26, 1995; and,

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD94-77, the petition of Minto Communities, Inc., for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential Single Family (RS) and Residential Transitional Suburban (RTS) ZONING DISTRICTS to the Planned Unit Development (PUD) ZONING DISTRICT, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 26, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Nay
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 26th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION (AS SURVEYED)
PARCEL "C"

BEING A PORTION SECTIONS 3, 4 AND 5, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PORTIONS **ALSO** BEING PART OF BLOCKS 38 AND 39, AS SHOWN ON PLAT OF PALM BEACH FARMS COMPANY PLAT No, 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9, INCLUSIVE, BLOCK 39 AS SHOWN ON PLAT OF PLAT No, 13 AS RECORDED IN PLAT BOOK 6, PAGES 98 AND 99 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE SOUTH **89°19'28"** WEST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF **802.06** FEET; THENCE CONTINUING SOUTH **89°19'28"** WEST, A DISTANCE OF **87.03** FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORD BOOK **6342**, PAGE **457** OF THE SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH **89°19'28"** WEST, A DISTANCE OF **1837.75** FEET TO THE NORTH ONE-QUARTER SECTION CORNER OF SAID SECTION 4; THENCE SOUTH **89°18'59"** WEST ALONG THE SAID NORTH LINE OF SECTION 4, A DISTANCE OF **2727.04** FEET TO THE NORTHWEST CORNER OF SAID SECTION 4, THENCE SOUTH **88°50'05"** WEST ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF **544.25** FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF TRACT 16 OF SAID BLOCK 38; THENCE SOUTH **01°00'50"** EAST ALONG A LINE CONNECTING THE WESTERLY LINES OF TRACTS 16, 17, 48, 49, 80, 81, 112 AND 113 OF SAID BLOCK 38, SAME LINE ALSO BEING **72.85** FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SUNSHINE STATE PARKWAY AS SHOWN ON RIGHT-OF-WAY MAP, STATION **2334+53.14** TO STATION **2342+94.41**, CONTRACT No. 3.2, SHEET 8 OF 13, A DISTANCE OF **5155.10** FEET; THENCE NORTH **89°07'19"** EAST ALONG A LINE CONNECTING THE SOUTHERLY LINES OF TRACTS 113 THROUGH 122, INCLUSIVE, OF SAID BLOCK 38, A DISTANCE OF **3052.60** FEET; THENCE NORTH **00°52'41"** WEST, A DISTANCE OF **629.45** FEET; THENCE SOUTH **63°39'42"** WEST, A DISTANCE OF **387.65** FEET; THENCE NORTH **11°14'27"** WEST, A DISTANCE OF **444.57** FEET; THENCE NORTH **31°00'37"** WEST, A DISTANCE OF **350.00** FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF **915.00** FEET AND A CENTRAL ANGLE OF **14°27'13"**, AT WHICH POINT THE RADIUS BEARS NORTH **31°00'37"** WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF **230.82** FEET; THENCE NORTH **44°32'10"** EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF **579.87** FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF **1190.00** FEET AND A CENTRAL ANGLE OF **13°44'23"**; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF **285.37** FEET; THENCE NORTH **33°02'08"** WEST ALONG A LINE NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF **804.46** FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF

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EXHIBIT A

LEGAL DESCRPTION

166.91 FEET AND A CENTRAL ANGLE OF $111^{\circ}13'15''$; THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 324.0 FEET; THENCE NORTH $54^{\circ}15'23''$ WEST ALONG A LINE NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 299.35 FEET; THENCE NORTH $06^{\circ}14'53''$ WEST, A DISTANCE OF 345.34 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF $126^{\circ}41'10''$; THENCE NORTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 221.11 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 305.00 FEET AND A CENTRAL ANGLE OF $72^{\circ}07'18''$; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 383.92 FEET; THENCE NORTH $48^{\circ}18'59''$ EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OR 17.55 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF $28^{\circ}36'54''$; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 199.77 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 125.00 FEET AND A CENTRAL ANGLE OF $147^{\circ}15'29''$; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 321.27 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 220.00 FEET AND A CENTRAL ANGLE OF $66^{\circ}38'35''$; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 255.89 FEET; THENCE SOUTH $79^{\circ}41'01''$ EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 380.20 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF $39^{\circ}56'27''$; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 313.69 FEET; THENCE NORTH $60^{\circ}22'32''$ EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 91.54 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF $40^{\circ}24'58''$; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.27 FEET; THENCE SOUTH $79^{\circ}12'30''$ EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 150.37 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 895.00 FEET AND A CENTRAL ANGLE OF $08^{\circ}28'43''$; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 132.44 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 935.00 FEET AND A CENTRAL ANGLE OF $08^{\circ}28'43''$; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 138.36 FEET; THENCE SOUTH $79^{\circ}12'30''$ EAST, ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 468.77 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 255.00 FEET AND A CENTRAL ANGLE OF $47^{\circ}00'00''$; THENCE SOUTHEASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 209.18 FEET; THENCE NORTH $53^{\circ}47'30''$ EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 58.65 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF $60^{\circ}00'00''$; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 41.89 FEET ;THENCE NORTH $53^{\circ}47'30''$ EAST, ALONG A LINE NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 118.84 FEET TO A POINT OF INTERSECTION WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD THE FOLLOKING THREE COURSES; THENCE NORTH $23^{\circ}33'29''$ EAST, A DISTANCE OF 231.42

EXHIBIT A

LEGAL DESCRIPTION

FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF **914.93** FEET AND A CENTRAL ANGLE OF **47°24'50"**; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF **757.13** FEET; THENCE NORTH **23°51'21"** WEST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF **1017.42** FEET TO THE POINT OF BEGINNING,
LESS:

A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES PROVIDING ACCESS FROM HYPOLUXO ROAD TO THE SUNSHINE STATE PARKWAY IN PORTIONS OF TRACTS **112** AND **113** AND THE 30-FOOT ROAD LYING NORTH OF TRACT **112**, **ALL IN** BLOCK **38**, PALM BEACH FARMS COMPANY PLAT No. **3**, RECORDED IN PLAT BOOK **2**, PAGES **45** THROUGH **54** OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN THE SOUTHWEST QUARTER OF SECTION **5**, TOWNSHIP **45** SOUTH, RANGE **42** EAST, PALM BEACH COUNTY, FLORIDA, BEGIN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWEST CORNER OF TRACT **113**, BLOCK **38** OF SAID PALM BEACH FARMS PLAT No. **3**; SAID POINT OF LYING **25.0** FEET NORTH OF THE CENTERLINE OF THE 50-FOOT ROADWAY BETWEEN BLOCKS **38** AND **41** AND LYING **25.0** FEET EAST OF THE CENTERLINE OF THE **50.0** FOOT ROADWAY BETWEEN BLOCKS **37** AND **38**, BOTH OF SAID PALM BEACH FARMS PLAT No. **3**; THENCE NORTH **01°00'50"** WEST ALONG THE WEST LINES OF TRACTS **112** AND **113**, AND ACROSS THE ABANDONED **30.0'** ROAD LYING NORTH OF TRACT **112** TO THE SOUTHWEST CORNER OF TRACT **81**, **1350.0** FEET MORE OR LESS TO POINT **"A"**: RETURNING TO THE POINT OF BEGINNING; THENCE NORTH **89°07'19"** EAST ALONG THE **SOUTH** LINE OF TRACT **113**, **300.0** FEET; THENCE, TO POINT **"A"** DESCRIBED ABOVE, NORTH **13°32'10"** WEST, **1383.63** FEET MORE OR LESS. (THE DIRECTION AND DISTANCE OF THE LAST COURSE IS A FUNCTION OF THE FIELD LOCATION OF THE SOUTHWEST CORNER OF TRACT **81**.)

SUBJECT TO **AN** EASEMENT IN FAVOR OF LAKE WORTH DRAINAGE DISTRICT OVER A STRIP OF LAND **45.0** FEET IN WIDTH LYING ADJACENT ON THE EAST TO AND PARALLEL WITH THE WEST LINE OF THE ABOVE DESCRIBED PARCEL AS RECORDED IN OFFICIAL RECORD BOOK **5415**, PAGE **1840** OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (SAID EASEMENT DOES NOT, HOWEVER, ENCUMBER THE ABANDONED ROADWAY LYING NORTH OF TRACT **112**.)

EXHIBIT B
VICINITY SKETCH

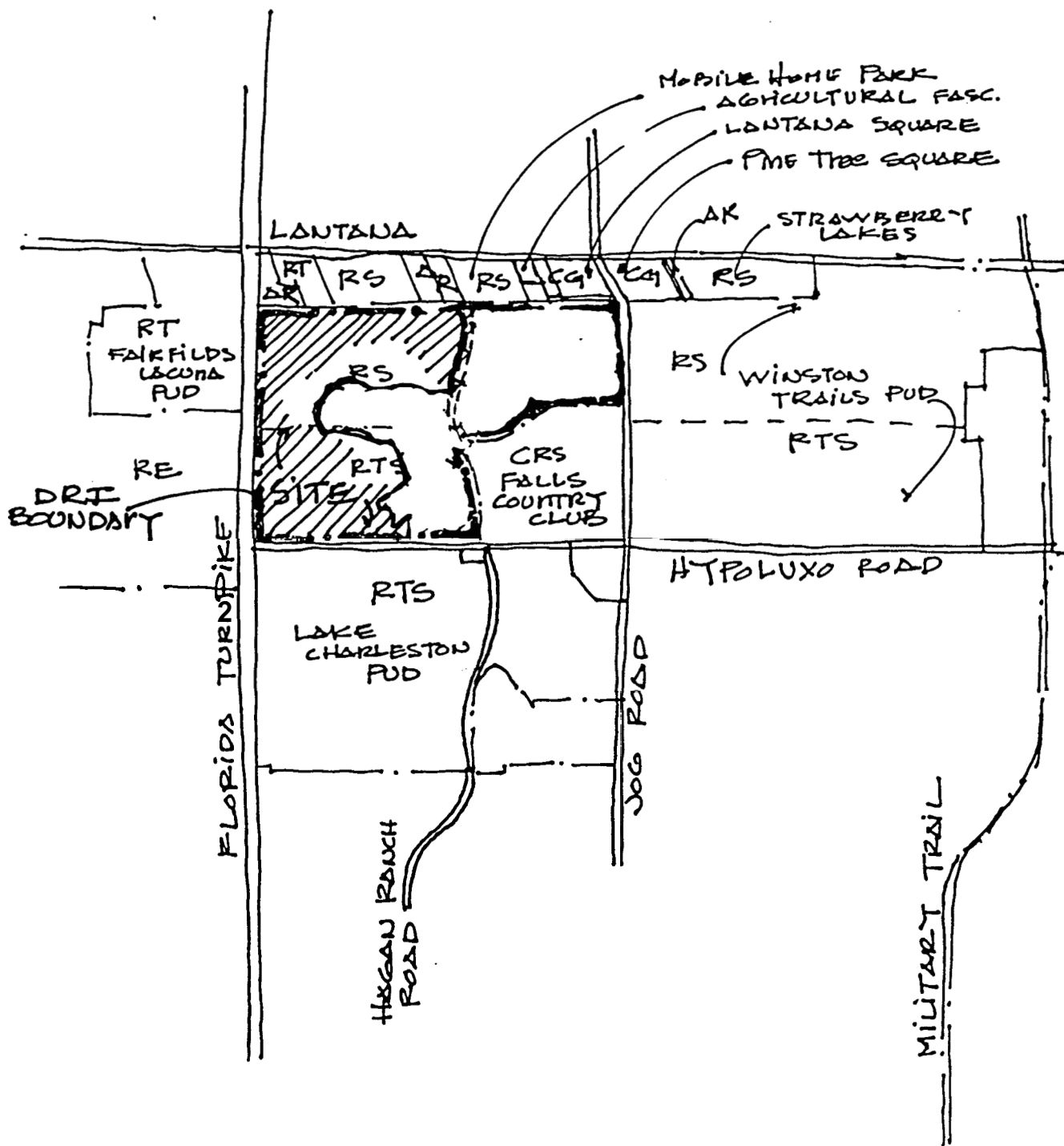


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. The petitioner shall comply with all applicable conditions of approval of the Development of Regional Impact development order contained in Resolution R-95-_____, as may be amended pursuant to Chapter 380, Florida Statutes. (ZONING/MONITORING)

B. ALL PUD'S

1. Street lights shall be provided pursuant to Section 6.8.A.23.d(1) of the Unified Land Development Code (ULDC). (ZONING/ENGINEERING)
2. Street trees shall be planted pursuant to Section 6.8.A.23.d(3) of the ULDC. (ENGINEERING-Building)
3. All utilities shall be underground pursuant to Section 6.8.23.d(5) of the ULDC. (ZONING/ENGINEERING)

C. LANDSCAPING - GENERAL

1. All trees required to be planted on site by this approval, except within residential lots, shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (BUILDING-Zoning)

D. LANDSCAPING ALONG ALL PERIMETERS

1. Landscaping within the required buffer along all perimeter lines shall be upgraded to include:
 - a. Minimum of one (1) canopy tree planted every twenty (20) feet on center.
 - b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation. (BUILDING-Zoning)
2. The petitioner shall provide all required perimeter buffers along the west perimeter of the Smith Dairy East PUD where the perimeter is common with the east perimeter of the Smith Dairy West PUD. The petitioner shall record an easement, in a manner and form acceptable to the County Attorney and Zoning Division, for the required buffer. (COUNTY ATTORNEY/ZONING)

E. ENGINEERING

1. Prior to recordation of the plat of Tract "O" the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for the construction of a right turn lane on Hagen Ranch Road at the project's entrance road. This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet. This additional right of way shall be free of all encumbrances and encroachments and shall include "Safe Sight Corners" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (ENGINEERING)
2. The Property owner shall complete the revisions to the construction plans for Hagen Ranch Road as a 2 Lane section (expandable to 5 lanes) from Lantana Road to Hypoluxo Road. These construction plans shall be approved by the County Engineer based upon Palm Beach County's minimum Construction Plan Standards as they presently exist or as they may from time to time be amended.
 - a) These construction plans shall be submitted prior to September 1, 1995. Plan costs shall be approved by the County Engineer. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. Required utility relocations shall be coordinated through the Engineering Department, Roadway Production Division. (MONITORING - Engineering)
 - b) Final permittable construction plans shall be completed prior to July 1, 1996. (MONITORING - Engineering)
3. The property owner shall complete the construction of Hagen Ranch Road as a 2 lane section from Lantana Road to Hypoluxo Road in accordance with the Condition above. Construction shall commence within 60 days of the approval of the permitted construction plans. All canal crossings within the project limits shall be constructed to their ultimate configuration. Drainage for the construction of this road shall be accommodated in a manner acceptable to the County Engineer. This construction shall include the following intersection improvements at Lantana Road and Hagen Ranch Road:
 - a) right turn lane west approach
 - b) left turn lane east approach
 - c) right turn lane south approach
 - d) left turn lane south approach(ENGINEERING).
4. Acceptable surety required for the Hagen Ranch Road construction as outlined in the condition above shall be posted with the Office of the **Land Development Division** within 30 days of the approval of the construction plans. This surety in the amount of 110%, shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (ENGINEERING)
5. The petitioner shall include in the homeowners documents and all sales contracts, as well as all written sales brochures, Master Plans and related Site Plan; a disclosure statement identifying Hagen Ranch Road and Hypoluxo Road as a planned thoroughfare roadway adjacent to or through this property. Information which appears in written form shall appear in **bold type**. The Developer/Property Owner shall submit documentation of compliance with this condition on an annual basis to the

Monitoring Section of Planning, Zoning and the Building Department. The first report shall be submitted on or before July 1, 1995 and shall continue on an annual basis until all units within the development have been sold. This property shall also be appropriately signed by the developer prior to the issuance of the first building permit. Sign locations shall be indicated both on the Master Plan and appropriate Site Plans. (MONITORING/ENGINEERING - Engineering).

6. The Property owner shall construct at the intersection of Hagen Ranch Road and the projects entrance road:

- a) right turn lane north approach
- b) left turn lane south approach
- c) right turn lane west approach
- d) left turn lane west approach

This construction shall be concurrent with the construction of the projects entrance road onto Hagen Ranch Road. Any and all costs associated with the construction shall be paid by the property owner. (BUILDING - Engineering).

7. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for Zoning Petition 94-77, Smith Dairy West PUD, to be paid at the time of issuance of the Building Permit presently is \$1650 per approved single family dwelling unit (10 trips X \$165.00 per trip) and 1155 per approved multi family dwelling unit (7 trips X \$165.00 per trip). Impact fee credit shall be given for the Hagen Ranch Road construction as outlined in condition numbers E2 and E3. (IMPACT FEE COORDINATOR!).

8. LANDSCAPE IN MEDIAN

Palm Beach County desires that the developer participate in a unified median landscape program for Jog Road and Hypoluxo Road. County staff shall prepare an agreement implementing this program within five months from the date of this approval.

Prior to the issuance of any building permits (except for dry models), the developer of the Smith Dairy West PUD shall enter into this agreement to implement a unified median landscape program for Jog Road and Hypoluxo Road with any developer that is also required to enter into this agreement through a condition of approval or who voluntarily enters into this agreement.

The agreement prepared by Palm Beach County staff shall contain the following provisions:

- a. The agreement shall address the landscaping of the medians on Hypoluxo Road and Jog Road; Smith Dairy West shall be responsible for the Hypoluxo Road median from Jog Road to the Sunshine State Parkway.
- b. The developers may agree to standards different from the County standards, subject to County approval.
- c. The landscaping installation will be representative of the adjacent development and will proceed in a timely manner, including phasing if appropriate.
- d. The liability issue shall be properly addressed.
- e. The limits of work will be defined on the appropriate aerial.

- f. The County, in conjunction with the developers, will make application for funding for a portion of the median landscaping from Beautiful Palm Beaches.
- g. Maintenance responsibility for the medians shall be set forth in the agreement.

Prior to the issuance of a building permit (except for dry models), the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the median of Hypoluxo Road from Hagen Ranch Road east to Lyons Road, Lantana Road from Hagen Ranch Road to Lyons Road, and Jog Road from Hypoluxo Road to Lantana Road. When permitted by Palm Beach County Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. All requirements shall be subject to the standards set forth in the Streetscape Standards. If all Xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County Standards may be allowed subject to approval by the County Engineer.

All median landscaping required by paragraph A, including an irrigation system if required, shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assigns. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before the issuance of a Certificate of Occupancy for anything other than dry models.

Declaration of Covenants and Restriction Documents shall be established or amended, as required, prior to the issuance of a Certificate of Occupancy to reflect this obligation.

9. No access from Hypoluxo Road shall be permitted. (ENGINEERING)

F. HEALTH

1. Sewer service is available to the property, therefore, no septic tank shall be permitted on this site. All existing onsite sewage disposal systems must be abandoned in accordance with Chapter 10D-6, FAC., and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property, therefore, no well shall be permitted on the site to provide potable water. All existing onsite potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

G. UTILITIES

1. The petitioner shall construct the following water systems improvements:
 - a. 16" water main along Hagen Ranch Road from Lantana Road to the South property line of Smith Dairy West PUD;
 - b. 12" water main along the main access road within Smith Dairy West PUD (from the entrance in Hagen Ranch Road to the north right-of-way line of Hypoluxo Road), a 16" water main crossing Hypoluxo Road and connecting to Lake Charleston PUD; and,

- c. water main stub-out at the nothwest corner of Smith Dairy West PUD. (UTILITIES)

H. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to the permitting and/or requirement; of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

I. RECYCLE SOLID WASTE

1. All property owners shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products. (SWA)

J. SIGNS

1. Entrance wall signs fronting on Hagen Ranch Road and Hypoluxo Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade - eight (8) feet;
 - b. Maximum sign face area per side - 60 square feet;
 - c. Maximum number of signs - two (2) per road;
 - d. Monument style. (BUILDING)

K. COMPLIANCE

1. Failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Developmsnt Code (ULDC), as amended. Appeals of any revocation of Conditional Use, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)